97-84050-5

Society for the Prevention of Crime (New York, N.Y.)

New York's new anti-drug law

[New York]

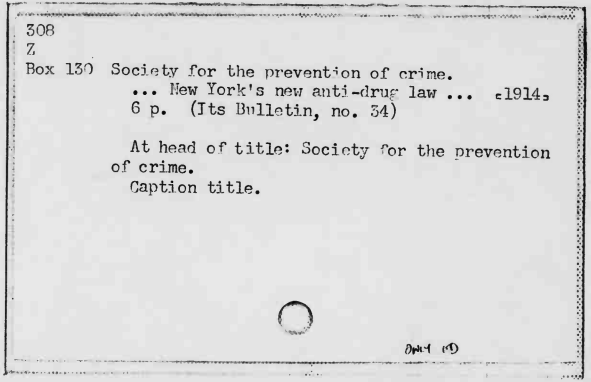
[1914]

97-84050-5
MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD


308
Z
Box 130 Society for the prevention of crime.
... New York's new anti-drug law ... c1914.
6 p. (Its Bulletin, no. 34)
At head of title: Society for the prevention of crime.
Caption title.

RESTRICTIONS ON USE: *Reproductions may not be made without permission from Columbia University Libraries.*

TECHNICAL MICROFORM DATA

FILM SIZE: 35mm REDUCTION RATIO: 11:1 IMAGE PLACEMENT: IA (IIA) IB IIB

DATE FILMED: 3-25-97 INITIALS: MB

TRACKING # : 22614

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

Bulletin No. 34.

308
Z
Box 130

Society for the Prevention of Crime

INCORPORATED 1878

50 UNION SQUARE, NEW YORK

OFFICERS

CHARLES E. BRUCE, President
WILLIAM SHEAFE CHASE, Vice-President
THADDEUS D. KENNESON, Secretary
FRANK LUGAR, Treasurer
SAMUEL MARCUS, Counsel

HOWARD CLARK BARBER, Superintendent

BOARD OF DIRECTORS

THADDEUS D. KENNESON
FRANK MOSS
CHARLES H. PARKHURST
FRANCIS E. LAIMBEER
CHARLES E. BRUCE
FRANK LUGAR
SAMUEL MARCUS
CHARLES R. SAUL
MATTHEW A. BEATTIE
MAURICE H. HARRIS
LUCIEN KNAPP
F. BOYD EDWARDS
ALFRED H. CRUIKSHANK
MICHAEL J. HORAN
FREDERICK J. GROEHL
HORACE D. BYRNES
WILLIAM SHEAFE CHASE

HONORARY VICE-PRESIDENTS

THOMAS SNELL
DARWIN R. JAMES, JR.
JAMES M. HORTON
SPENCER S. ROCHE
S. EDWARD YOUNG
FRANK MASON NORTH

NEW YORK'S NEW ANTI-DRUG LAW

Herewith we are pleased to present a complete reprint of the BOYLAN ANTI-DRUG BILL in the hope that we shall hear from a multitude of persons just how particular "drug-slaves" first acquired the habit.

Origin and History.

This bill was initiated and fostered by Mr. Charles B. Towns, of this city, who for years has been an intimate student of the causes and cures of the drug habit. It was finally passed in its second year in the New York State Legislature on March 28, 1914, only after a strenuous contest and an emergency message from the Governor. By its terms it becomes effective July 1, 1914.

The Legislative Campaign.

Having learned, by many months of investigation of the criminal traffic in opium, morphine, heroin and cocaine, the absolute and immediate necessity for legislation, the Society for the Prevention of Crime this year placed its entire resource at the disposal of its Superintendent in an effort to pass the Boylan Bill. Bulletins, letters, telegrams and editorials supplemented our personal canvass at the Capitol, and the

People of the State are to be congratulated upon having overcome the objections and resistance of powerful drug and patent medicine interests.

The Problem.

This subject is neither local nor limited. *The problem of habit-forming drugs is National and International in its scope!* Addicts may be found in every class of society. The habit has been formed from the improperly guarded prescription and proprietary medicine as well as by the cruder method of the criminal and dissolute.

It matters not whether the habit arose from the innocent repetition of a drug prescription or patent remedy, or from the more thoughtless "sniffing" by our school boys and girls of the stuff, *at first given* them by the vulture who knows *they will later steal,* if necessary, in order *to buy it.* Dishonesty, criminality and utter downfall will follow the regular use of these drugs as surely as night succeeds the day whether politely administered in the wealthy home or taken in the darkened hallway or criminal "joint."

The Solution.

The practical solution of the problem means rigid limitations upon the legitimate use and sale of these drugs, strict accountability by the manufacturer, wholesale dealer, retail druggist, pharmacist, physician, dentist and veterinary, absolute prohibition of unauthorized possession, and, what has heretofore been wholly neglected, scientific medical treatment in public hospitals for the cure of the drug addict. *Herein is work for a Nation!*

The Boylan Law.

No pretence of perfection is made for the Boylan Law. But there will be found in it, for most of the difficulties some answer which may, perhaps, in another year be made wholly adequate.

Under the provisions of this new law

(1.) All drug dealers, physicians, dentists and veterinarians *must* use *official* order blanks in making purchases of opium, morphine, heroin, codeine or other opiates, and *must* keep record of purchases and sales.

(2.) In filling prescriptions containing any of these drugs a certificate *must* be issued, containing names of doctor, druggist and patient.

(3.) Mere possession of any of these drugs without this certificate is made a misdemeanor.

(4.) Addicts may by a magistrate be committed to hospitals for medical treatment.

The provision for the commitment of addicts to hospitals requires the very early and careful attention and cooperation of the various magistrates and hospital authorities, in order that magistrates shall recognize the needy cases, and that the hospitals shall provide proper treatment and equipment.

Here is the law as passed:

AN ACT IN RELATION TO THE PUBLIC HEALTH

Constituting chapter forty-five of the Consolidated Laws

ARTICLE 11-a.

HABIT FORMING DRUGS.

Section 245. Sale prohibited; exception.
246. Prescriptions; certificates.
247. Order blanks; filing.
248. Physicians, et cetera, to keep records.
249. Hypodermic syringe; sale of; record; penalty.
249-a. Commitment; procedure; discharge.
249-b. Revocation of license.
249-c. Revocation of license after conviction.
249-d. Penalties.

§ 245. Sale prohibited; exception. No pharmacist, druggist or other person shall sell, have or offer for sale or give away any chloral, opium or any of its salts, alkaloids or derivatives, or any compound or preparation of any of them except upon the written prescription of a duly licensed physician, veterinarian

or dentist, provided that the provisions of this Article shall not apply to the sale of domestic and proprietary remedies, actually sold in good faith as medicines and not for the purpose of evading the provisions of this Article, and, provided further, that such remedies and preparations do not contain more than two grains of opium, or one-fourth grain of morphine, or one-fourth grain of heroin, or one grain of codeine, or ten grains of chloral, or their salts in one fluid ounce, or if a solid preparation, in one avoirdupois ounce, nor to plasters, liniments and ointments for external use only.

§ 246. Prescriptions; certificates. It shall be unlawful for any person to sell at retail or give away any of the drugs, their salts, derivatives or preparations mentioned in section two hundred and forty-five of this chapter except as herein provided without first receiving a written prescription signed by a duly licensed physician, veterinarian or dentist. The prescription must contain substantially the following: The name in full of the physician, veterinarian or dentist issuing such prescription, his office address, his office hours, and telephone, and the name, age and address of the person to whom, and date on which, such prescription is issued. It shall be unlawful for any duly licensed physician, veterinarian or dentist to issue any such prescription containing any of the drugs, their salts, derivatives or preparations mentioned in section two hundred and forty-five of this chapter except after a physical examination of any person for the treatment of disease, injury or deformity. It shall be unlawful for any person to sell at retail any of the drugs or preparations of any of those mentioned in section two hundred and forty-five of this article without first verifying the authority of any prescription containing more than four grains of morphine, thirty grains of opium, two grains of heroin, six grains of codeine or four drams of chloral. Such verification can be made by telephone or otherwise. Such prescriptions so received shall be filled out at the time of receiving the same for the full quantity prescribed and no prescription so received shall be filled out more than ten days after the date which said prescription be dated. Such prescription, from which no copy shall be taken, shall be retained by the person who dispenses the same and shall be filled but once. Such prescription shall be kept on the general prescription file and given a regular consecutive number on such file. On such prescription shall be inscribed the name and address of the purchaser making such purchase and the date upon which said sale is made. Any person who sells at retail, furnishes or dispenses any of the drugs mentioned in section two hundred and forty-five of this chapter upon a written prescription by a duly registered physician or veterinarian or dentist shall at the time of dispensing the same, place upon the package a label or deliver therewith a certificate stating the name and address of the person selling or furnishing the same, the name and address of the physician, veterinarian or dentist upon whose prescription such sale is made, the date of sale, and the name of the person to whom such sale is made. Any person, other than a manufacturer of any of the drugs mentioned in section two hundred and forty-five or a whole-

sale dealer in drugs or a licensed pharmacist, licensed druggist, duly registered practicing physician, licensed veterinarian or a licensed dentist, who shall possess any of the drugs mentioned in section two hundred and forty-five or their salts, derivatives or preparations, shall be guilty of a misdemeanor, unless said possession is authorized by the certificate described in this section. Nothing herein contained shall be construed to prohibit the sale of any of such drugs by any manufacturing pharmacists or chemists, or wholesale or retail pharmacists, or druggists, to other manufacturing pharmacists or chemists, or wholesale or retail pharmacists, or druggists, or to hospitals, colleges, scientific or public institutions, except that such sales shall be made in the manner provided in the next succeeding section.

§ 247. Order blanks; filing. The state commissioner of health shall prepare and furnish to all boards of health or officers official order blanks, serially numbered in duplicate, bound in book form, with carbon or transfer paper between the duplicate pages. The said official order shall be furnished by the local health board or officer to any local, duly licensed physician, dentist, pharmacist, druggist or veterinarian, upon which must be written all orders for the purchase of any of the drugs enumerated in section two hundred and forty-five of this chapter for the use of such physician, dentist, pharmacist, druggist or veterinarian. It shall be unlawful for any person to sell, furnish or dispose to any physician, pharmacist, druggist, veterinarian or dentist any of the drugs enumerated in section two hundred and forty-five of this chapter without first receiving from such physician, druggist, veterinarian or dentist an official order blank as provided in this section, which official order shall be retained by the person or corporation who sells, furnishes or dispenses any of the drugs enumerated in section two hundred and forty-five of this chapter, and such official order shall be kept in a separate file or book and an entry made or caused to be made on the order stating the date of sale, the name and address of the purchaser and the name of the person making such sale.

§ 248. Physicians, et cetera, to keep records. All physicians, druggists, pharmacists, veterinarians and dentists shall keep on record the name and address of each person to whom such physician, dentist or veterinarian administers or disposes in any way whatsoever any of the drugs enumerated in section two hundred and forty-five of this chapter, and the quantity so administered, disposed of or given away. Such record shall be preserved for five years and shall always be open for inspection by the proper authorities. Any violation of this section is hereby declared to be a misdemeanor.

§ 249. Hypodermic syringe; sale of; record; penalty. It is unlawful for any person to sell at retail or to furnish to any person other than a duly licensed physician, dentist, or veterinarian, an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, without the written order of a duly licensed physician or veterinarian. Every

person who disposes of or sells at retail, or furnishes or gives away to any person, either of the above instruments, upon the written order of a duly licensed physician or veterinarian, shall, before delivering the same, enter in a book kept for that purpose the date of the sale, the name and address of the purchaser, and a description of the instrument sold, disposed of, furnished or given away. Any person or persons who sell, dispose of or give away an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, except in the manner prescribed in this section, shall be guilty of a misdemeanor.

§ 249-a. Commitment of habitual drug users; procedure; discharge. The constant use by any person of any habit-forming drug, except under the direction and consent of a duly licensed physician, is hereby declared to be dangerous to the public health. Whenever a complaint shall be made to any magistrate that any person is addicted to the use of any habit-forming drug, without the consent or direction of a duly licensed physician, such magistrate, after due notice and hearing, is satisfied that the complaint is founded and that the person is addicted to the use of a habit-forming drug, shall commit such person to a state, county or city hospital or institutions licensed under the state lunacy commission. Whenever the chief medical officer of such institution shall certify to any magistrate that any person so committed has been sufficiently treated or give any other reason which is deemed adequate and sufficient, he may discharge the person so committed. Every person committed under the provisions of this section shall observe all the rules and regulations of the institution or hospital. Any such person who wilfully violates the rules and regulations of the institution or repeatedly conducts himself in a disorderly manner may be taken before a magistrate by the order of the chief medical officer of the institution. The chief medical officer may enter a complaint against such person for disorderly conduct and the magistrate, after a hearing and upon due evidence of such disorderly conduct, may commit such person for a period of not to exceed six months to any institution to which persons convicted of disorderly conduct or vagrancy may be committed, and such institution shall keep such persons separate and apart from the other inmates, provided that nothing in this section shall be construed to prohibit any person committed to any institution under its provisions from appealing to any court having jurisdiction for a review of the evidence in which this commitment was made.

§ 249-b. Revocation of licenses. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist or registered nurse may be revoked by the proper officers or boards having power to issue licenses to any of the foregoing upon proof that the licensee is addicted to the use of any habit-forming drug or drugs after giving such licensee reasonable notice and opportunity to be heard. Whenever it shall appear after one year from date of revocation of such license that such licensee has fully recovered and is no longer an addict to any

of the drugs herein prohibited, such board may grant a rehearing and in its discretion reissue the license of such licensee.

§ 249-c. Revocation of license after conviction. Whenever any physician, dentist, veterinarian, pharmacist or registered nurse is convicted in a court having jurisdiction of any of the violations of this article, any officer or board having power to issue licenses to any such physician, dentist, veterinarian, pharmacist, or registered nurse may, after giving such licensee reasonable notice and opportunity to be heard, revoke the same.

§ 249-d. Penalties. Any violation of any of the provisions of this article shall be deemed a misdemeanor. Nothing contained in this article shall be construed to amend or repeal section seventeen hundred and forty-six of the penal law.

§ 2. This act shall take effect July first, nineteen hundred and fourteen.

IN CONCLUSION.

The fight to prevent the increase, and effect the cure, of the drug habit has hardly begun. Let no citizen be misled by subtle arguments, born of the desire for personal gain, which may be urged in opposition to "anti-drug" legislation.

Ultimate success will require the cooperation of all the people of our Nation in passing and enforcing uniform State laws and a strong Federal statute.

As a step in this cooperation the Society for the Prevention of Crime extends a Nation-wide invitation for suggestions as to legislation, and information as to the channels of illicit drug sales. Especially do we urge that all people send us in confidence the histories of known cases of the drug habit. *Knowledge of how one addict* BEGAN *the habit may enable us to prevent it in a thousand others.*

CHARLES E. BRUCE, M.D.,
President.

HOWARD CLARK BARBER,
Superintendent, Society for the Prevention of Crime,
50 Union Square, New York.
(To whom all communications should be addressed.)

MCH # 226M

END OF
TITLE